

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A
"PRIOR" PATENT**Docket
Number

Q67843

In re Application of: Yukio MIYAKI, et al.
Application No.: 10/046,708
Filed: January 17, 2002
For: NONAQUEOUS SECONDARY BATTERY

The owner*, UBE INDUSTRIES, LTD., of 100 percent interest in the instant application by virtue of an Assignment from FUJI PHOTO FILM Co., LTD. (executed on May 1, 2002 and recorded on July 1, 2002 at Reel 013056, Frame 0059), which had a 100 percent interest in the instant application by virtue of an Assignment from all of the inventors thereof (executed on December 5, 1997, recorded on December 24, 1997 at Reel 9112, Frame 0514), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,365,299, which is also owned by UBE INDUSTRIES, LTD., by virtue of an Assignment from FUJI PHOTO FILM Co., LTD. (executed on May 1, 2002, recorded on July 1, 2002 at Reel 013056, Frame 0059), which had a 100 percent interest in the **prior patent** by virtue of an Assignment from all of the inventors thereof (executed on December 5, 1997, recorded on December 24, 1997 at Reel 9112, Frame 0514), as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

expires for failure to pay a maintenance fee;
is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature

July 21, 2006

07/24/2006 HBEYENC2 0900083 10046708

Bruce E. Kramer

33,725

03 FC:1814

202-293-7060

130.00 OP

Typed or printed name

Reg No.

Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Yukio MIYAKI, et al.

Appln. No.: 10/046,708

Confirmation No.: 1272

Filed: January 17, 2002

For: NONAQUEOUS SECONDARY BATTERY

Docket No: Q67843

Allowed: April 24, 2006

Group Art Unit: 1746

Examiner: Jonathan CREPEAU

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Terminal Disclaimer was filed on December 6, 2004, in the above-identified application, indicating that FUJI PHOTO FILM CO., LTD. was the owner of the above-identified application and U.S. Patent 6,365,299. However, on further review, FUJI PHOTO FILM CO., LTD. had assigned the rights to the above-identified application and U.S. Patent 6,365,299 to UBE INDUSTRIES. The Assignment was executed on May 1, 2002 and recorded on July 1, 2002 at Reel 013056, Frame 0059.

Accordingly, submitted herewith is a Terminal Disclaimer with UBE INDUSTRIES as the owner of both the above-identified application and U.S. Patent 6,365,299. A check in the amount of \$130.00 is attached.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

Bruce E. Kramer
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 21, 2006

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